P.R. No. 2405/06
Presented by Shri Aman Kesharwani
dated 21/8/06

(1) (B)

C215

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench

CIVIL REVISION NO. 125 /2006

APPLICANT	Rajendra Patni, Aged about 41 years
DEFFENDENT	S/o- Late shri S.M. Patani, Proprietor, Rajendra Traders Industrial Area, Dhamdha road, Durg, Distt Durg (C.G.)

VERSUS

NON APPLICANT	Bahadur Ali, Aged about 47 years
PLAINTIFF	S/o- Abdul Ajiz, Managing Director, ABS Export India Priviate Ltd. R/o- Mohalla Baldevbag, Rajnandgaon District - Rajandgaon (C.G.)

CIVIL REVISION UNDER SECTION 115 OF C.P.C

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक C.R. 125/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

06/09/2006

Shri Awadh Tripathi counsel for the applicant.

Heard on admission.

The applicant has preferred this revision petition against the order dated 4.9.2006 passed by II Additional District Judge Rajnandgaon in Civil Suit No. 4-B/2005 whereby in stead of deciding the preliminary issue - whether the suit is barred by law of limitation or not, the matter has been posted for recording of evidence with a finding that the question of limitation is mixed question of facts and law which can be considered only after recording of evidence.

Learned counsel for the applicant submits that the Court below even after initially fixing the matter for framing of preliminary issue, has erroneously posted the matter for recording of evidence. He further submits that had the preliminary issue been decided against the plaintiff, the suit would have been dismissed at the threshold.

I have heard learned counsel for the applicant.

The Court blow has posted the case for recording of evidence with a finding that the question of limitation is a mixed question of facts and law and the same cannot be decided without recording the evidence.

I do not find any illegality or infirmity in the impugned order warranting interference under revisional jurisdiction and accordingly, the revision is liable to be dismissed and it is dismissed at the motion stage itself.

Sd/-
Dhirendra Mishra
Judge